

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor: Akihiko NISHIO et al.

Art Unit 2617

Appln. No.: 10/540,401

Exr. M. Khan

Filed: June 23, 2005

Conf. No. 9722

For: RADIO COMMUNICATION APPARATUS AND RADIO
COMMUNICATION METHOD

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
Washington, DC 20231

Dear Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the art listed on the attached Form PTO 1449. Attached is a Japanese Office Action dated July 15, 2008 with an English translation thereof. JP '417 and JP '140 cited therein were submitted in the Information Disclosure Statement of June 23, 2005. JP '034, JP '219, JP '825, and JP '269 cited therein were submitted in the Information Disclosure Statement of June 4, 2008.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see Beckman Instruments, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106. Applicants respectfully request that this art be expressly considered

during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

If any fee is due, it may be charged to Deposit Account No. 04-1061.

Respectfully submitted,

/James Edward Ledbetter/

Date: December 17, 2008

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JEL/jcw

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